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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,434	01/29/1999	STEPHEN O'NEAL	ITC:9907	7324

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EXAMINER

NGUYEN, TOAN D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/240,434

Applicant(s)

O'NEAL ET AL.

Examiner

Toan D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-8, 12-20, 22-23, 27-32, 34-43 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (U.S. Patent 6,130,933) in view of Kozdon et al. (U.S. Patent 6,226,285 B1).

For claims 1-2, 15, 23, 30-32, 36 and 40-41, Miloslavsky discloses apparatus and methods for coordinating telephone and data communication comprising:

a computer, having a data connection to a web server, for initiating a telephonic connection between a plurality of telephonic devices (figure 1, col. 4 lines 25-31 and col. 4 lines 53-57);

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wherein said command by said web server is initiated by a user controlling said computer (col. 4 lines 25-31).

However, Miloslavsky do not disclose a plurality of point of presence (POP) telephony servers, coupled to a telephone network, and to said web server, said plurality of POP telephony servers for connecting to said plurality of telephonic devices upon command by said web server. In an analogous art, Kozdon et al. disclose a plurality of point of presence (POP) telephony servers, coupled to a telephone network, and to said web server, said plurality of POP telephony servers for connecting to said plurality of telephonic devices upon command by said web server (figure 4, col. 7 lines 1-15). One skilled in the art would have recognized a plurality of point of presence (POP) telephony servers to use the teaching of Kozdon et al. in the system of Miloslavsky. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the plurality of point of presence (POP) telephony servers as taught by Kozdon et al. in Miloslavsky's system with the motivation being to allow multimedia presentations to be viewed within a corporation even though the data is stored at a location remote to the person who wants to use the data (col. 7 lines 1-4).

For claim 3, Miloslavsky discloses Internet connection (figure 1, col. 4 lines 2-3).

For claims 4-7 and 16-17, Miloslavsky discloses web server comprises a server on the internet, for receiving said initiating from said computer, and for providing said command to said plurality of telephonic devices (col. 4 lines 47-57).

For claims 8, 27-28, 35 and 45-48, Kozdon et al. plurality of POP telephony servers are coupled to said plurality of telephonic devices via said telephone network, and to said web server via a data network (figure 4, col. 7 lines 1-15).

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For claims 12-14, 34, 38-39 and 42-43, Miloslavsky discloses command by said web server comprises:

a telephone number pertaining to a selected telephonic device to be called; and  
an IP address of a selected POP telephony server (col. 6 lines 7-45).

For claim 18, Kozdon et al. disclose the first and second telephone networks comprise local telephone switches coupled to the first and second telephone devices, respectively (figure 4, col. 7 line 10).

For claims 19-20, Miloslavsky discloses the data network comprises: the internet; a local area network; or a wide area network (figure 1, col. 3 line 66 to col. 4 line 18).

For claim 22, Kozdon et al. disclose web server comprises:  
a POP database, for storing an IP address for said first and second telephony servers, and for associating telephone numbers with either of said first or second telephony servers (figure 1, col. 4 lines 6-17).

For claim 29, Kozdon et al. disclose the data network provides long distance voice communication without utilizing a long distance telephone network (col. 7 lines 4-7).

4. Claims 9-11, 21, 24-26, 33 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (U.S. Patent 6,130,933) in view of Kozdon et al. (U.S. Patent 6,226,285 B1) further in view of Swartz (U.S. Patent 6,445,694 B1).

For claims 9-11, 21, 24-26, 33 and 44, Miloslavsky in view of Kozdon et al. does not disclose conversion logic for receiving voice data and for converting said voice data to streaming audio for transmission over a data network. In an analogous art, Swartz disclose conversion logic for receiving voice data and for converting said voice data to streaming

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audio for transmission over a data network (col. 11 lines 35-38). One skilled in the art would have recognized conversion logic to use teaching of Swartz in the system of Miloslavsky. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the conversion logic as taught by Swartz in Miloslavsky's system with the motivation being to establish a voice connection via the Internet using IP telephony to the IP address being used by the subscriber computer (col. 11 lines 32-35).

***Response to Arguments***

5. Applicant's arguments filed November 04, 2002 have been considered but are moot in view of the new ground(s) of rejection.

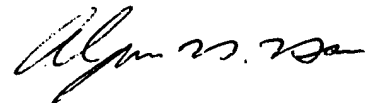
***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN  
T.N.



ALPUS H. HSU  
PRIMARY EXAMINER